



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PUMA AG RUDOLF DASSLER SPORT,

Opposer,

v.

MOURAD, SAMIR DBA DON REGALON,

Applicant

Opposition No. 91,123,141

TTAB

OPPOSER'S NOTICE OF RELIANCE

Opposer Puma AG Rudolf Dassler Sport hereby gives its notice of reliance upon the following attached exhibits.

I. CERTIFIED COPIES OF REGISTRATIONS

Pursuant to 37 C.F.R. § 2.122(d)(2), Opposer relies upon certified copies of the following registrations, prepared and issued by the U.S. Patent and Trademark Office, showing both the current status and title of each registration:

Reg. No.

Exhibit A: U.S. Reg. No. 1,039,274

Exhibit B: U.S. Reg. No. 1,354,044

Exhibit C: U.S. Reg. No. 2,734,292

Exhibit D: U.S. Reg. No. 2,793,921



06-18-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

II. ADMISSIONS

Pursuant to 37 C.F.R. § 2.120(j)(3)(i), Opposer relies on Applicant's admissions as follows:

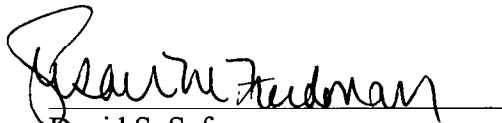
Exhibit E: Applicant's Responses to Opposer's Requests for Admissions, dated January 15, 2002

Exhibit F: Applicant's Supplemental Responses to Opposer's First Request for Admissions, dated December 2, 2002

This notice of reliance is timely filed because it is filed prior to the closing of Opposer's extended testimony period as stipulated by the parties on May 7, 2004, i.e., by **June 19, 2004**.

DATED: June 18, 2004

Respectfully submitted,



David S. Safran
Mark D. Robins
Susan M. Freedman

NIXON PEABODY LLP
401 9th Street, N.W., Suite 900
Washington, DC 20004-2128
Telephone: (202) 585-8000
Facsimile: (202) 585-8080

100 Summer Street
Boston, MA 02110
Telephone: (617) 345-1000
Facsimile: (868) 382-3886

Attorneys for Opposer

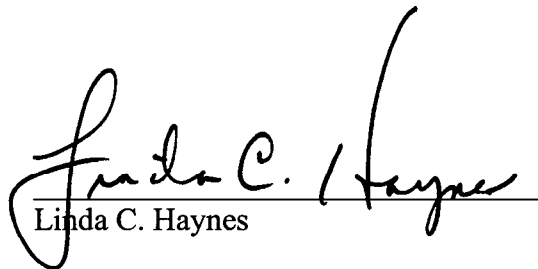
CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing:

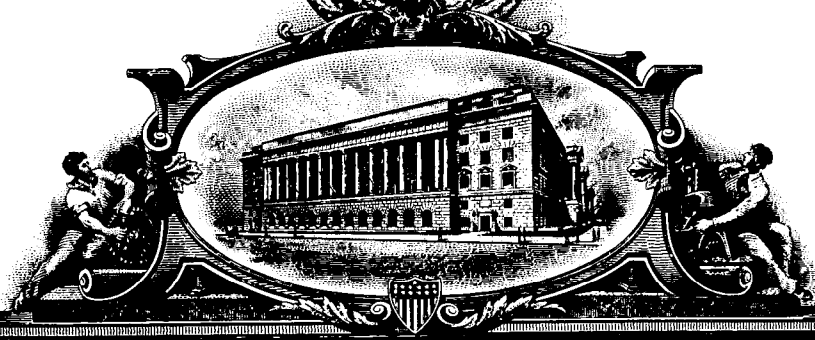
OPPOSER'S NOTICE OF RELIANCE

was mailed by first class mail, postage prepaid, on June 18, 2004 to Applicant's counsel at the following address:

Yewon Min, Esq.
TROJAN LAW OFFICES
9250 Wilshire Blvd., Suite 325
Beverly Hills, CA 90212


Linda C. Haynes

June 18, 2004
Date



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

May 27, 2004

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,039,274 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *May 11, 1976*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *May 11, 1996*

SECTION 8 & 15

LESS GOODS

SAID RECORDS SHOW TITLE TO BE IN:

PUMA AG RUDOLF DASSLER SPORT
A GERMANY CORPORATION

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



L. Edelen

L. EDELEN
Certifying Officer

Int. Cls.: 18, 25 and 28

Prior U.S. Cls.: 3, 22 and 39

United States Patent and Trademark Office

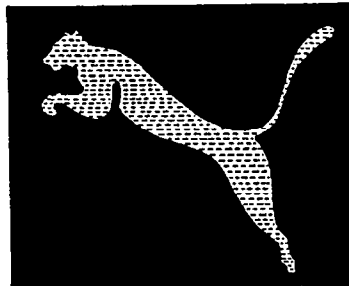
10 Year Renewal

Reg. No. 1,039,274

Registered May 11, 1976

Renewal Term Begins May 11, 1996

**TRADEMARK
PRINCIPAL REGISTER**



PUMA AG RUDOLF DASSLER SPORT
(FED REP GERMANY CORPORATION)

WURZBURGER STR. 13

D-91074 HERZOGENAURACH, FED REP
GERMANY, ASSIGNEE OF PUMA-
SPORTSCHUHFABRIKEN RUDOLF
DASSLER KG (FED REP GERMANY
COMPANY) D-8522 HERZOGENAUR-
ACH, FED REP GERMANY

OWNER OF U.S. REG. NOS. 797,843
AND 905,072.

THE DRAWING IS LINED FOR THE
COLOR SILVER, BUT APPLICANT
DOES NOT INTEND TO LIMIT THE
SCOPE TO THE SILVER COLOR.

FOR: SHOPPING BAGS, KNAPSACKS,
BRIEF CASES, ATTACHE CASES AND
HANDBAGS, IN CLASS 18 (U.S. CL. 3).

FIRST USE 4-0-1968; IN COMMERCE
8-0-1969.

FOR: FOOTBALL SHOES; BASEBALL
SHOES; TRAINING SHOES; TRACK
SHOES; BOXING SHOES; BASKETBALL
SHOES; SOCCER SHOES; TENNIS
SHOES; BATHING SHOES; SNEAKERS;
GOLF SHOES; SKI BOOTS; TENNIS
GARMENTS FOR MEN—NAMELY,
TRICOT SHIRTS, SHORTS; SOCKS;
OVERALLS FOR MEN; SWEATSUITS
FOR MEN; SWEAT SHIRTS FOR MEN;
SPORT SHORTS FOR MEN [;—FOOT-
BALL SHOULDER PADS; FOOTBALL
LEG PADS], IN CLASS 25 (U.S. CLS. 22
AND 39).

FIRST USE 4-0-1968; IN COMMERCE
8-0-1969.

FOR: SPORTS GOODS—NAMELY,
FOOTBALL LEG PADS AND FOOT-

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on June 4, 1996.*

COMMISSIONER OF PATENTS AND TRADEMARKS

BALL SHOULDER PADS, BALLS,
SOCCER BALLS, TENNIS BALLS, SKIS,
TENNIS RACKETS, TABLE TENNIS
BATS, PING-PONG BALLS, BADMIN-
TON RACKETS, SHUTTLECOCKS, JAV-
ELINS, ROLLERSKATES, INDIAN

CLUBS, SPORTS HOOPS AND DISCUS,
IN CLASS 28 (U.S. CL. 22).

FIRST USE 4-0-1968; IN COMMERCE
8-0-1969.

SER. NO. 73-019,649, FILED 4-24-1974.

Int. Cl.: 18, 25, 28

Prior U.S. Cl.: 3, 22, 39

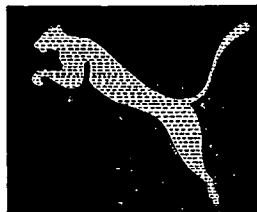
United States Patent Office

Reg. No. 1,039,274

Registered May 11, 1976

TRADEMARK

Principal Register



Puma-Sportschuhfabriken Rudolf Dassler KG (German company)
Wurzburger Strasse 13
D-8522, Herzogenaurach, Germany

For: SHOPPING BAGS, KNAPSACKS, BRIEF CASES, ATTACHE CASES AND HANDBAGS, in CLASS 18 (U.S. CL. 3).

For: FOOTBALL SHOES; BASEBALL SHOES; TRAINING SHOES; TRACK SHOES; BOXING SHOES; BASKETBALL SHOES; SOCCER SHOES; TENNIS SHOES; BATHING SHOES; SNEAKERS; GOLF SHOES; SKI BOOTS; TENNIS GARMENTS FOR MEN—NAMELY, TRICOT SHIRTS, SHORTS; SOCKS; OVERALLS FOR MEN; SWEATSUITS FOR MEN; SWEAT SHIRTS FOR MEN; SPORT SHORTS FOR MEN; FOOTBALL SHOULDER PADS; FOOTBALL LEG PADS—in CLASS 25 (U.S. CL. 39).

For: SPORTS GOODS—NAMELY, FOOTBALL LEG PADS AND FOOTBALL SHOULDER PADS, BALLS, SOCCER BALLS, TENNIS BALLS, SKIS, TENNIS RACKETS, TABLE TENNIS BATS, PING-PONG BALLS, BADMINTON RACKETS, SHUTTLECOCKS, JAVELINS, ROLLERSKATES, INDIAN CLUBS, SPORTS HOOPS AND DISCUS—in CLASS 28 (U.S. CL. 22).

First use April 1968; in commerce August 1969.

The drawing is lined for the color silver, but applicant does not intend to limit the scope to the silver color.

Owner of U.S. Reg. Nos. 797,843, and 905,072.

Ser. No. 19,649, filed Apr. 24, 1974.

LENORE LADY, Examiner



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

May 27, 2004

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,354,044 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

REGISTERED FOR A TERM OF 20 YEARS FROM *August 13, 1985*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

***PUMA AG RUDOLF DASSLER SPORT
A GERMANY CORPORATION***

**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**



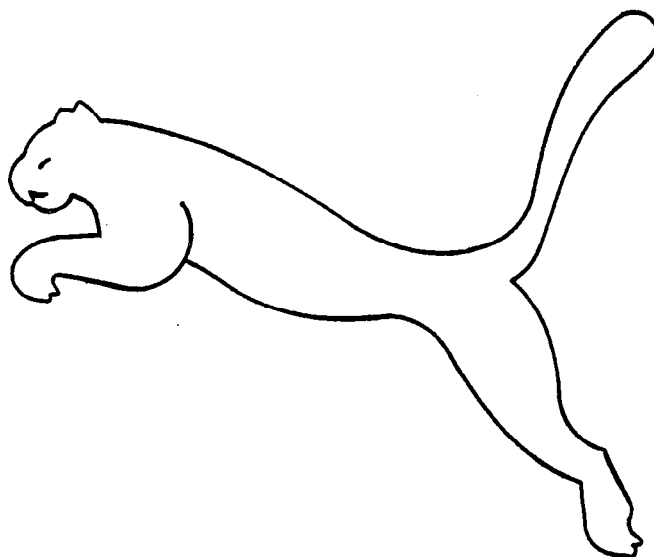
**P. SWAIN
Certifying Officer**

Int. Cls.: 18, 25 and 28

Prior U.S. Cls.: 3, 22 and 39

United States Patent and Trademark Office **Reg. No. 1,354,044**
Registered Aug. 13, 1985

**TRADEMARK
PRINCIPAL REGISTER**



PUMA-SPORTSCHUHFABRIKEN RUDOLF
DASSLER KG (FED REP GERMANY LIMITED
PARTNERSHIP)
HERZOGENAURACH, FED REP GERMANY

FOR: GENERAL PURPOSE CARRYALL
BAGS FOR SPORTS EQUIPMENT, TRUNKS
AND TRAVELLING BAGS, IN CLASS 18 (U.S.
CL. 3).

FOR: CLOTHING—NAMESLY, LEISURE
SHOES, BOOTS, HOUSE SLIPPERS, SPORTS
SHOES, SPORTS AND LEISURE CLOTHING—
NAMESLY, TRAINING SUITS, SHORTS,
SWEATERS, PULLOVERS, T-SHIRTS, TENNIS
WEAR, SKI WEAR, LEISURE SUITS, ALL

WEATHER SUITS, WIND RESISTANT JACK-
ETS, SLICKERS, STOCKINGS, SOCCER SOCKS,
GLOVES, CAPS, HEADBANDS, BATHING
TRUNKS AND BATHING SUITS, IN CLASS 25
(U.S. CL. 39).

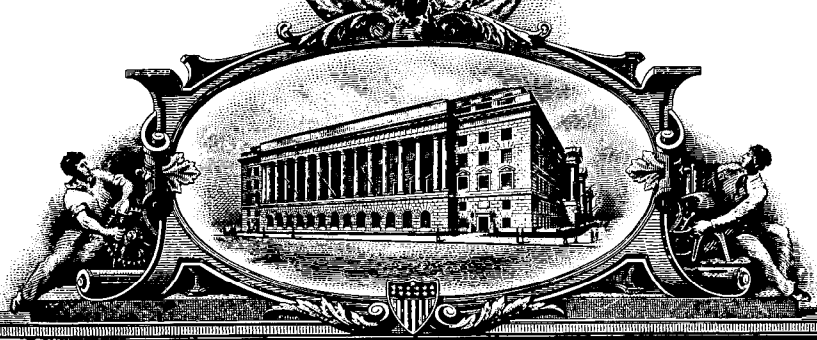
FOR: BALLS FOR SPORTS, IN CLASS 28 (U.S.
CL. 22).

OWNER OF FED REP GERMANY REG. NO.
971,711, DATED 10-14-1977, EXPIRES 10-14-1987.

SER. NO. 292,728, FILED 1-12-1981.

FRANCIE R. GOROWITZ, EXAMINING AT-
TORNEY

1176069



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office


May 27, 2004

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,734,292 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *July 08, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS




P. SWAIN
Certifying Officer

Int. Cl.: 25

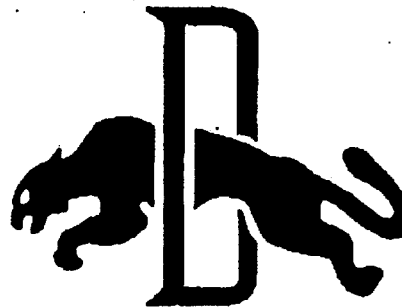
Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,734,292

Registered July 8, 2003

**TRADEMARK
PRINCIPAL REGISTER**



**PUMA AG RUDOLF DASSLER SPORT (FED REP
GERMANY JOINT STOCK COMPANY)
WUERZBURGER STR. 13
D-91074 HERZOGENAURACH, FED REP GERMA-
NY**

**OWNER OF U.S. REG. NOS. 1,354,044, 1,965,127
AND OTHERS.**

D WITH LEAPING CAT

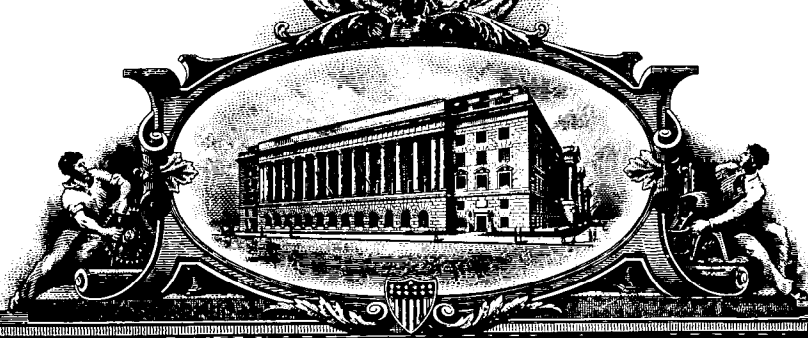
**FOR: CLOTHING, NAMELY, SHIRTS; AND
FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).**

SER. NO. 76-413,711, FILED 5-30-2002.

FIRST USE 0-0-1993; IN COMMERCE 0-0-1993.

KIM SAITO, EXAMINING ATTORNEY

1176069



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

May 27, 2004

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,793,921 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 16, 2003*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



P. SWAIN
Certifying Officer

Int. Cls.: 18, 25 and 28

Prior U.S. Cls.: 1, 2, 3, 22, 23, 38, 39, 41 and 50

Reg. No. 2,793,921

United States Patent and Trademark Office

Registered Dec. 16, 2003

**TRADEMARK
PRINCIPAL REGISTER**



**PUMA AG RUDOLF DASSLER SPORT (FED REP
GERMANY JOINT STOCK COMPANY)
WUERZBURGER STR. 13
D-91074 HERZOGENAURACH, FED REP GERMA-
NY**

**FOR: LEATHER AND IMITATION LEATHER
SOLD IN BULK, LEATHER AND IMITATION LEA-
THER GOODS, NAMELY, DUFFEL BAGS, BACK-
PACKS, BOOK BAGS, PURSES, POCKET WALLETS,
BRIEFCASES, HANDBAGS, SUITCASES, KEY
CASES, CARRY-ON BAGS, TRAVELING BAGS,
SHOPPING BAGS, LUGGAGE GRIP BAGS, SPORTS
BAGS, KNAPSACKS, SCHOOL BAGS, WAIST BAGS,
TOILETRY BAGS SOLD EMPTY; TRUNKS AND
OVERNITE CASES; UMBRELLAS, PARASOLS AND
WALKING STICKS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22
AND 41).**

**FOR: CLOTHING, NAMELY SPORTS AND LEI-
SURE SUITS, TRAINING SUITS, WARM-UP SUITS,
ALL-WEATHER SUITS, PULLOVERS, JERSEYS,
JACKETS, SWEATSHIRTS, SHORTS, PANTS, T-
SHIRTS, TOPS, SKIRTS, SOCKS, WRISTBANDS,
ATHLETIC UNIFORMS, BLOUSONS, TURTLE-
NECKS, CAMISOLES, SWEATERS, CARDIGANS,
WRAPS, COVER-UPS, COATS, DRESSES, BLOUSES,
UNDERWEAR, TANK TOPS, TROUSERS, TIGHTS,
BATHING SUITS, SCARFS, BELTS, AND HEAD-
WEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).**

**FOR: GYMNASIAC AND SPORTING ARTICLES,
NAMELY HANDGRIPS FOR GRIPPING GYMNAS-**

**TIC EQUIPMENT, BASKETBALLS, SOCCER BALLS,
FOOTBALLS, VOLLEYBALLS, HANDBALLS, BASE-
BALLS, BOWLING BALLS; PUMPS AND BALL
NEEDLES FOR INFLATING SPORTS BALLS; SCOC-
CER BALL BAGS, BASKETBALL BAGS, FOOTBALL
BAGS, VOLLEYBALL BAGS, HANDBALL BAGS;
SHIN GUARDS FOR ATHLETIC USE; KNEE, EL-
BOW AND ANKLE SUPPORTS FOR ATHLETIC
USE; GOALKEEPERS GLOVES, BOXING GLOVES,
BASEBALL GLOVES; TENNIS RACKETS, CRICKET
BATS, GOLF CLUBS, HOCKEY STICKS; MAT BAGS
FOR PERSONAL EXERCISE MATS, BOWLING
BAGS, BAGS, CASES AND COVERS FOR TENNIS
RACKETS, TABLE TENNIS PADDLES, BADMIN-
TON RACKETS, SQUASH RACKETS, CRICKET
BATS, GOLF CLUBS AND HOCKEY STICKS; ROLL-
ER SKATES; ICE SKATES; TABLES AND NETS FOR
TABLE TENNIS, IN CLASS 28 (U.S. CLS. 22, 23, 38
AND 50).**

**PRIORITY CLAIMED UNDER SEC. 44(D) ON FED
REP GERMANY APPLICATION NO. 30225012.3/1,
FILED 5-17-2002, REG. NO. 30225012, DATED 7-9-
2002, EXPIRES 5-31-2012.**

**OWNER OF U.S. REG. NOS. 1,354,044, 1,965,127
AND OTHERS.**

SER. NO. 76-422,721, FILED 6-17-2002.

KIM SAITO, EXAMINING ATTORNEY

11/15/02

EXHIBIT E to Opposor's Notice of Reliance

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PUMA AG RUDOLF DASSLER SPORT,)
)
Opposer,) Opposition No. 123,141
)
v.)
)
MOURAD, SAMIR DBA DON REGALON,)
)
Applicant)

APPLICANT'S RESPONSES TO OPPOSER'S REQUESTS FOR ADMISSIONS

COMES NOW APPLICANT, SAMIR MOURAD, responds as follows by
answer, objection or otherwise to OPPOSER'S REQUESTS FOR
ADMISSIONS.

Request No. 1:

Prior to March 4, 2000, Applicant made no "use in commerce"
(as the quoted term is defined in Section 45 of the Lanham Act)
of Applicant's mark as a trademark for clothing.

RESPONSE:

Admit, as to the subject mark 75/936,519.

Request No. 2:

Prior to March 4, 2000, Applicant made no use of
Applicant's mark in the U.S.

RESPONSE:

Objection: Opposer's use of the word "use" in ambiguous and
confusing. As an attempt at a good faith and full response to

1 Opposer's discovery requests, Applicant responds as follows:

2 If the word "use" is meant to be use in interstate
3 commerce, Applicant's answer is admit. If the word "use" is to
4 mean the common usage of the word then Applicant's answer is
5 deny. Applicant had selected and had begun designing and
6 developing products and labels using the letter V with a leaping
7 tiger by March 4, 2000.

8 Request No. 3:

9 Prior to January 1, 2000, Applicant made no use of
10 Applicant's mark in the U.S.

11 RESPONSE:

12 Objection: Opposer's use of the word "use" in ambiguous and
13 confusing. As an attempt at a good faith and full response to
14 Opposer's discovery requests, Applicant responds as follows:

15 If the word "use" is meant to be use in interstate
16 commerce, Applicant's answer is admit.

17 Request No. 4:

18 Prior to January 1, 1999, Applicant made no use of
19 Applicant's mark in the U.S.

20 RESPONSE:

21 Admit, as to the subject mark 75/936,519.

22 Request No. 5:

23 Prior to January 1, 1998, Applicant made no use of
24 Applicant's mark in the U.S.

25 RESPONSE:

26 Admit, as to the subject mark 75/936,519.

27 Request No. 6:

28 At the time Applicant filed its U.S. trademark application

1 Serial No. 75/936,519 for federal registration of Applicant's
2 mark for clothing it knew of the prior use by Opposer in the
3 U.S. of the mark of U.S. Reg. No. 1,354,044 on clothing.

4 RESPONSE:

5 Objection: Vague and ambiguously worded question; Question
6 is compound.

7 Deny. Applicant had not given any thought to Opposer's
8 mark when creating Applicant's mark. Applicant had not given
9 any thought to Opposer's marks when designing Applicant's marks.
10 Opposer's marks did not play any role whatsoever in Applicant's
11 determination to select the leaping tiger and V as its mark.
12 Applicant had seen Opposer's marks on sports goods such as shoes
13 and t-shirts. Applicant had no prior knowledge of Opposer's
14 registrations.

15 Request No. 7:

16 At the time Applicant filed its U.S. trademark application
17 Serial No. 75/936,519 for federal registration of Applicant's
18 mark for clothing it knew of the prior use by Opposer in the
19 U.S. of the mark of U.S. Reg. No. 1,039,274 on clothing.

20 RESPONSE:

21 Objection: Vague and ambiguously worded question.

22 Deny. Applicant had not given any thought to Opposer's
23 mark when creating Applicant's mark. Applicant had not given
24 any thought to Opposer's marks when designing Applicant's marks.
25 Opposer's marks did not play any role whatsoever in Applicant's
26 determination to select the leaping tiger as its mark.
27 Applicant had seen Opposer's marks on sports goods such as shoes
28 and t-shirts. Applicant had no knowledge of Opposer's

1 registrations.

2 Request No. 8:

3 At the time Applicant filed its U.S. trademark application
4 Serial No. 75/936,519 for federal registration of Applicant's
5 mark for clothing it knew of the prior registration by Opposer
6 in the U.S. of the mark of U.S. Reg. No. 1,354,044 on clothing.

7 RESPONSE:

8 Objection: Vague and ambiguous question.

9 Deny. Applicant had not given any thought to Opposer's
10 mark when creating Applicant's mark. Applicant had not given
11 any thought to Opposer's marks when designing Applicant's marks.
12 Opposer's marks did not play any role whatsoever in Applicant's
13 determination to select the leaping tiger as its mark.
14 Applicant had seen Opposer's marks on sports goods such as shoes
15 and t-shirts. Applicant had no knowledge of Opposer's
16 registrations.

17 Request No. 9:

18 At the time Applicant filed its U.S. trademark application
19 Serial No. 75/936,519 for federal registration of Applicant's
20 mark for clothing it knew of the prior registration by Opposer
21 in the U.S. of the mark of U.S. Reg. No. 1,039,274 on clothing.

22 RESPONSE:

23 Objection: Vague and ambiguously worded question.

24 Deny. Applicant had not given any thought to Opposer's
25 mark when creating Applicant's mark. Applicant had not given
26 any thought to Opposer's marks when designing Applicant's marks.
27 Opposer's marks did not play any role whatsoever in Applicant's
28 determination to select the leaping tiger as its mark.

1 Applicant had seen Opposer's marks on sports goods such as shoes
2 and t-shirts. Applicant had no knowledge of Opposer's
3 registrations.

4 Request No. 10:

5 The leaping animal forming a part of Applicant's mark is a
6 member of the cat family.

7 RESPONSE:

8 Deny. Vague and ambiguously worded question. Indefinite
9 to the point of being unable to answer with accuracy. As an
10 attempt at a good faith and full response to Opposer's discovery
11 requests, Applicant responds as follows:

12 The phrase "CAT FAMILY" is entirely too vague and is
13 objected to as being scientifically non-specific. The "cat
14 family" of animals is entirely too large to be of relevance
15 here. However, in the broadest sense of the words, Applicant
16 acknowledges that the animal in Applicant's mark falls within
17 this common general unscientific reference known as the "cat
18 family" that encompasses every member of family Felidae,
19 totaling approximately 38 different species, including the
20 domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat,
21 lynx, and cheetah.

22 Request No. 11:

23 The leaping animal forming a part of Opposer's mark shown
24 in U.S. Reg. No. 1,354,044 is a member of the cat family.

25 RESPONSE:

26 Deny. Vague and ambiguously worded question.
27 Indefinite to the point of being unable to answer with accuracy.
28 As an attempt at a good faith and full response to Opposer's

1 discovery requests, Applicant responds as follows:

2 The phrase "CAT FAMILY" is entirely too vague and is
3 objected to as being scientifically non-specific. The "cat
4 family" of animals is entirely too large to be of relevance
5 here. However, in the broadest sense of the words, Applicant
6 acknowledges that the animal in Opposer's mark falls within this
7 common general unscientific reference known as the "cat family"
8 that encompasses every member of the family Felidae, totaling
9 approximately 38 different species, including the domestic cat,
10 lion, tiger, leopard, jaguar, cougar, wildcat, lynx, and
11 cheetah.

12 Request No. 12:

13 The leaping animal forming a part of Opposer's mark shown
14 in U.S. Reg. No. 1,039,274 is a member of the cat family.

15 RESPONSE:

16 Deny. Vague and ambiguously worded question.
17 Indefinite to the point of being unable to answer with accuracy.
18 As an attempt at a good faith and full response to Opposer's
19 discovery requests, Applicant responds as follows:

20 The phrase "CAT FAMILY" is entirely too vague and is
21 objected to as being scientifically non-specific. The "cat
22 family" of animals is entirely too large to be of relevance
23 here. However, in the broadest sense of the words, Applicant
24 acknowledges that the animal in Opposer's mark falls within this
25 common general unscientific reference known as the "cat family"
26 that encompasses every member of the family Felidae, totaling
27 approximately 38 different species, including the domestic cat,
28 lion, tiger, leopard, jaguar, cougar, wildcat, lynx, and

1 cheetah.

2 Request No. 13:

3 A tiger is a member of the cat family (see, for example,
4 definition of "cat" in Webster's Ninth New Collegiate
5 Dictionary, 1987, p. 213, copy attached).

6 RESPONSE:

7 Deny. Vague and ambiguously worded question. Indefinite
8 to the point of being unable to answer with accuracy. As an
9 attempt at a good faith and full response to Opposer's discovery
10 requests, Applicant responds as follows:

11 The phrase "CAT FAMILY" is entirely too vague and is
12 objected to as being scientifically non-specific. The "cat
13 family" of animals is entirely too large to be of relevance
14 here. However, in the broadest sense of the words, Applicant
15 acknowledges that the animals commonly referred to as tigers
16 fall within this common general unscientific reference known as
17 the "cat family" that encompasses every member of the family
18 Felidae, totaling approximately 38 different species, including
19 the domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat,
20 lynx, and cheetah.

21 Request No. 14

22 A cougar is a member of the cat family (see, for example,
23 definition of "cat" in Webster's Ninth New Collegiate
24 Dictionary, 1987, p. 213, copy attached).

25 RESPONSE:

26 Deny. Vague and ambiguously worded question. Indefinite
27 to the point of being unable to answer with accuracy. As an
28 attempt at a good faith and full response to Opposer's discovery

1 requests, Applicant responds as follows:

2 The phrase "CAT FAMILY" is entirely too vague and is
3 objected to as being scientifically non-specific. The "cat
4 family" of animals is entirely too large to be of relevance
5 here. However, in the broadest sense of the words, Applicant
6 acknowledges that the animals commonly referred to as cougars
7 fall within this common general unscientific reference known as
8 the "cat family" that encompasses every member of family
9 Felidae, totaling approximately 38 different species, including
10 the domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat,
11 lynx, and cheetah.

12 Request No. 15:

13 Puma is another name for a cougar. (see, for example,
14 definition of "cougar" in Webster's Ninth New Collegiate
15 Dictionary, 1987, p. 296, copy attached).

16 RESPONSE:

17 Admit, with regard to Opposer's provided reference.

18 Request No. 16:

19 A puma is a member of the cat family.

20 RESPONSE:

21 Deny. Vague and ambiguously worded question. Indefinite
22 to the point of being unable to answer with accuracy. As an
23 attempt at a good faith and full response to Opposer's discovery
24 requests, Applicant responds as follows:

25 The phrase "CAT FAMILY" is entirely too vague and is
26 objected to as being scientifically non-specific. The "cat
27 family" of animals is entirely too large to be of relevance
28 here. However, in the broadest sense of the words, Applicant

1 acknowledges that the animals commonly referred to as pumas fall
2 within this common general unscientific reference known as the
3 "cat family" that encompasses every member of family Felidae,
4 totaling approximately 38 different species, including the
5 domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat,
6 lynx, and cheetah.

7 Request No. 17:

8 Applicant has not used Applicant's mark in its everyday
9 sales activities.

10 RESPONSE:

11 Objection: Vague and ambiguously worded question.
12 Indefinite as to what is meant by the phrase "everyday sales
13 activity." As an attempt at a good faith and full response to
14 Opposer's discovery requests, Applicant responds as follows:

15 Deny. Applicant uses the mark in application number
16 75/936,519 in commerce, see responses to interrogatory question
17 2. Applicant has sold products bearing the referenced trademark
18 since at least as early as July 26, 2000 to Sanchez Bro. in
19 Chicago, IL.

20 Request No, 18:

21 Applicant has not used Applicant's mark together with other
22 of the marks asserted by Applicant to comprise its family of
23 marks in its everyday sales activities.

24 RESPONSE:

25 Objections: Compound question. Vague and ambiguously worded
26 question. Indefinite as to what is meant by the phrase
27 "everyday sales activity." As an attempt at a good faith and
28 full response to Opposer's discovery requests, Applicant

1 responds as follows:

2 Deny. Applicant uses the marks individually and in
3 combination on tags, labels, and advertising for Applicant's
4 products.

5 Request No. 19:

6 Applicant has not advertised Applicant's mark together with
7 other of the marks asserted by Applicant to comprise its family
8 of marks.

9 RESPONSE:

10 Objections: Compound question. Vague and ambiguously worded
11 question. Indefinite as to what means. As an attempt at a good
12 faith and full response to these Opposer's discovery, Applicant
13 responds as follows:

14 Deny. Applicant advertises the marks in individually and
15 combination on tags, labels, and advertising for Applicant's
16 products.

17 Request No. 20:

18 The dates of registration for Opposer's U.S. Reg. Nos.
19 1,039,274 and 1,354,044, May 11, 1976 and August 13, 1985, are
20 prior to the earliest date of use of Applicant's mark in the
21 U.S.

22 RESPONSE:

23 Objection. Compound question. Vague and ambiguously worded
24 question. As an attempt at a good faith and full response to
25 these Opposer's discovery, Applicant responds as follows:

26 Admit.

27 Request No. 21:

28 Opposer's leaping cat mark shown in U.S. Reg. No. 1,354,044

1 is a famous mark.

2 RESPONSE:

3 Deny. The word "FAMOUS" is a term of art within the realm
4 of Trademark Law. While a trademark can achieve "FAMOUS"
5 status, there are very few marks that have achieved this status.
6 Opposer's mark is not "FAMOUS."

7 Request No. 22:

8 Opposer's leaping cat mark shown in U.S. Reg. No. 1,039,274
9 is a famous mark.

10 RESPONSE:

11 Deny. The word "FAMOUS" is a term of art within the realm
12 of Trademark Law. While a trademark can achieve "FAMOUS"
13 status, there are very few marks that have achieved this status.
14 Opposer's mark is not "FAMOUS."

15
16 Applicant
17 SAMIR MOURAD dba DON REGALON
18

19 Dated: _____
20

21 As to Objections:

22 Attorneys for Applicant
23 SAMIR MOURAD dba DON REGALON

24 Dated: 1/15/02

25 Lee Fredric Sharra
26 TROJAN LAW OFFICES
27 9250 Wilshire Blvd., Suite 325
28 Beverly Hills, CA 90212
(310) 777-8399

1 is a famous mark.

2 RESPONSE:

3 Deny. The word "FAMOUS" is a term of art within the realm
4 of Trademark Law. While a trademark can achieve "FAMOUS"
5 status, there are very few marks that have achieved this status.
6 Opposer's mark is not "FAMOUS."

7 Request No. 22:

8 Opposer's leaping cat mark shown in U.S. Reg. No. 1,039,274
9 is a famous mark.

10 RESPONSE:

11 Deny. The word "FAMOUS" is a term of art within the realm
12 of Trademark Law. While a trademark can achieve "FAMOUS"
13 status, there are very few marks that have achieved this status.
14 Opposer's mark is not "FAMOUS."

15
16 Applicant
17 SAMIR MOURAD dba DON REGALON

18
19 Dated: 01-14-2002

20
21 As to Objections:

Attorneys for Applicant
SAMIR MOURAD dba DON REGALON

22
23 Dated: _____

24 Lee Fredric Sharra
25 TROJAN LAW OFFICES
26 9250 Wilshire Blvd., Suite 325
27 Beverly Hills, CA 90212
28 (310)777-8399

1
2 PROOF OF SERVICE

3 I am over the age of 18 years, employed in the County of
4 Los Angeles, and not a party to the above entitled action.
5 My business address is 9250 Wilshire Blvd., Suite 325,
6 Beverly Hills, California 90212.

7 On January 15, 2002, I served:

8 -APPLICANT'S RESPONSES TO OPPOSER'S FIRST REQUEST FOR
9 PRODUCTION OF DOCUMENTS

10 -APPLICANT'S RESPONSES TO OPPOSER'S INTERROGATORIES

11 -APPLICANT'S RESPONSES TO OPPOSER'S REQUESTS FOR
12 ADMISSIONS

13 by placing a true copy thereof in a sealed envelope,
14 addressed as follows to:

15 David S. Safran, Esq.
16 NIXON PEABODY LLP
17 8180 Greensboro Dr., Suite 800
18 McLean, VA 22102
19 (Attorney for PUMA AG RUDOLF DASSLER SPORT, Opposer)

20 [X] BY FEDERAL EXPRESS: I caused such envelope to be
21 delivered by the above-noted service to the offices of the
22 addressee.

23 [] BY MAIL: I am readily familiar with the firm's practice
24 of collection and processing correspondence for mailing.
25 Under that practice it would be deposited with the U.S.
26 Postal Service on the same day with postage thereon fully
27 prepaid at Beverly Hills, California, in the ordinary course
28 of business. I am aware that on the motion of the party
served, service is presumed invalid if the postal
cancellation date or postage meter date is more than one day
after the date of deposit for mailing shown on this proof of
service.

[X] FEDERAL: I declare, under penalty of perjury under the
laws of the United States that the foregoing is true and that
I am employed in the office of a member of the bar of this
Court at whose direction the service was made.

Executed on January 15, 2002, at Beverly Hills, California.

26
27
28

Michiko Speier

12/2/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PUMA AG RUDOLF DASSLER SPORT,

Opposer,

v.

MOURAD, SAMIR DBA DON REGALON,

Applicant.

Opposition No. 123,141

PUMA AG RUDOLF DASSLER SPORT

V.

MOURAD, SAMIR d/b/a DON REGALON

Opposition No. 91,123,141

EXHIBIT F to Opposor's Notice of Reliance

APPLICANT'S SUPPLEMENTAL RESPONSES TO OPPOSER'S
FIRST REQUEST FOR ADMISSIONS

Applicant hereby provides its supplemental responses to Opposer's First Request for Admissions, as follows:

RESPONSES

REQUEST NO. 6

At the time Applicant filed its U.S. trademark application Serial No. 75/936,519 for federal registration of Applicant's mark for clothing it knew of the prior use by Opposer in the U.S. of the mark of U.S. Reg. No. 1,354,044.

RESPONSE TO REQUEST NO. 6

Objection. Vague and ambiguously worded question; Question is compound.

Deny. Applicant had not given any thought to Opposer's mark when creating Applicant's mark. Applicant had not given any thought to Opposer's marks when designing

Applicant's marks. Opposer's marks did not play any role whatsoever in Applicant's determination to select the leaping tiger and V as its mark. Applicant had seen Opposer's marks on sports goods such as shoes and t-shirts. Applicant had no prior knowledge of Opposer's registrations.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 6

Admit. Applicant was aware of Opposer's mark on clothing. However, Applicant had no reason to believe that his mark would be confusingly similar to Opposer's.

REQUEST NO. 7

At the time Applicant filed its U.S. trademark application Serial No. 75/936,519 for federal registration of Applicant's mark for clothing it knew of the prior use by Opposer in the U.S. of the mark of U.S. Reg. No. 1,039,274.

RESPONSE TO REQUEST NO. 7

Objection. Vague and ambiguously worded question.

Deny. Applicant had not given any thought to Opposer's mark when creating Applicant's mark. Applicant had not given any thought to Opposer's marks when designing Applicant's marks. Opposer's marks did not play any role whatsoever in Applicant's determination to select the leaping tiger as its mark. Applicant had seen Opposer's marks on sports goods such as shoes and t-shirts. Applicant had no prior knowledge of Opposer's registrations.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 7

Admit. Applicant was aware of Opposer's mark on clothing. However, Applicant had no reason to believe that his mark would be confusingly similar to Opposer's.

REQUEST NO. 10

The leaping animal forming a part of Applicant's mark is a member of the cat family.

RESPONSE TO REQUEST NO. 10

Deny. Vague and ambiguously worded question. Indefinite to the point of being unable to answer with accuracy. As an attempt at a good faith and full response to Opposer's discovery requests, Applicant responds as follows:

The phrase "CAT FAMILY" is entirely too vague and is objected to as being scientifically non-specific. The "cat family" of animals is entirely too large to be of relevance here. However, in the broadest sense of the words, Applicant acknowledges that the animal in Applicant's mark falls within this common general unscientific reference known as the "cat family" that encompasses every member of family Felidae, totaling approximately 38 different species, including the domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat, lynx and cheetah.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 10

Deny. Notwithstanding Applicant's foregoing objections and without waiving the same, Applicant supplements his answer as follows: Applicant's mark is an artist's abstraction. That abstraction is a two-dimensional logo which resembles an animal. However, it is not modeled after any real creature.

REQUEST NO. 11

The leaping animal forming a part of Opposer's mark shown in U.S. Reg. No. 1,354,044 is a member of the cat family.

RESPONSE TO REQUEST NO. 11

Deny. Vague and ambiguously worded question. Indefinite to the point of being unable to answer with accuracy. As an attempt at a good faith and full response to Opposer's discovery requests, Applicant responds as follows:

The phrase "CAT FAMILY" is entirely too vague and is objected to as being scientifically non-specific. The "cat family" of animals is entirely too large to be of relevance here. However, in the broadest sense of the words, Applicant acknowledges that the animal in Applicant's mark falls within this common general unscientific reference known as the "cat family" that encompasses every member of family Felidae, totaling approximately 38 different species, including the domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat, lynx and cheetah.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 11

Deny. Notwithstanding Applicant's foregoing objections and without waiving the same, Applicant supplements his answer as follows: Opposer's mark is an artist's abstraction. That abstraction is a two-dimensional logo which resembles an animal.

REQUEST NO. 12

The leaping animal forming a part of Opposer's mark shown in U.S. Reg. No. 1,039,274 is a member of the cat family.

RESPONSE TO REQUEST NO. 12

Deny. Vague and ambiguously worded question. Indefinite to the point of being unable to answer with accuracy. As an attempt at a good faith and full response to Opposer's discovery requests, Applicant responds as follows:

The phrase "CAT FAMILY" is entirely too vague and is objected to as being scientifically non-specific. The "cat family" of animals is entirely too large to be of relevance here. However, in the broadest sense of the words, Applicant acknowledges that the animal in Applicant's mark falls within this common general unscientific reference known as the "cat family" that encompasses every member of family Felidae, totaling approximately 38 different species, including the domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat, lynx and cheetah.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 12

Deny. Notwithstanding Applicant's foregoing objections and without waiving the same, Applicant supplements his answer as follows: Opposer's mark is an artist's abstraction. That abstraction is a two-dimensional logo which resembles an animal.

REQUEST NO. 13

A tiger is a member of the cat family (see, for example, definition of "cat" in Webster's Ninth New Collegiate Dictionary, 1987, p. 213, copy attached).

RESPONSE TO REQUEST NO. 13

Deny. Vague and ambiguously worded question. Indefinite to the point of being unable to answer with accuracy. As an attempt at a good faith and full response to Opposer's discovery requests, Applicant responds as follows:

The phrase "CAT FAMILY" is entirely too vague and is objected to as being scientifically non-specific. The "cat family" of animals is entirely too large to be of relevance here. However, in the broadest sense of the words, Applicant acknowledges that the animal in Applicant's mark falls within this common general unscientific reference known as the "cat family" that encompasses every member of family Felidae, totaling approximately 38 different species, including the domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat, lynx and cheetah.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 13

Deny. Notwithstanding Applicant's foregoing objections and without waiving the same, Applicant supplements his answer as follows: Applicant objects to this request to the extent that it is vague and ambiguous insofar as the term "cat family" is defined, or can be read to have different meanings.

REQUEST NO. 14

A cheetah is a member of the cat family (see, for example, definition of "cat" in Webster's Ninth New Collegiate Dictionary, 1987, p. 213, copy attached).

RESPONSE TO REQUEST NO. 14

Deny. Vague and ambiguously worded question. Indefinite to the point of being unable to answer with accuracy. As an attempt at a good faith and full response to Opposer's discovery requests, Applicant responds as follows:

The phrase "CAT FAMILY" is entirely too vague and is objected to as being scientifically non-specific. The "cat family" of animals is entirely too large to be of relevance here. However, in the broadest sense of the words, Applicant acknowledges that the animal in

Applicant's mark falls within this common general unscientific reference known as the "cat family" that encompasses every member of family Felidae, totaling approximately 38 different species, including the domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat, lynx and cheetah.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 14

Deny. Notwithstanding Applicant's foregoing objections and without waiving the same, Applicant supplements his answer as follows: Applicant objects to this request to the extent that it is vague and ambiguous insofar as the term "cat family" is defined, or can be read to have different meanings.

REQUEST NO. 16

A puma is a member of the cat family.

RESPONSE TO REQUEST NO. 16

Deny. Vague and ambiguously worded question. Indefinite to the point of being unable to answer with accuracy. As an attempt at a good faith and full response to Opposer's discovery requests, Applicant responds as follows:

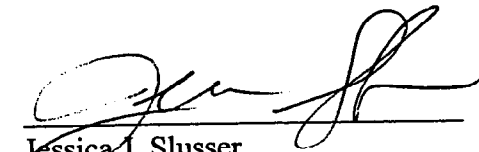
The phrase "CAT FAMILY" is entirely too vague and is objected to as being scientifically non-specific. The "cat family" of animals is entirely too large to be of relevance here. However, in the broadest sense of the words, Applicant acknowledges that the animal in Applicant's mark falls within this common general unscientific reference known as the "cat family" that encompasses every member of family Felidae, totaling approximately 38 different species, including the domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat, lynx and cheetah.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 16

Deny. Notwithstanding Applicant's foregoing objections and without waiving the same, Applicant supplements his answer as follows: Applicant objects to this request to the extent that it is vague and ambiguous insofar as the term "cat family" is defined, or can be read to have different meanings.

December 2, 2002

TROJAN LAW OFFICES
by



Jessica J. Slusser
Attorneys for Applicant